

# CITY COUNCIL PROCEEDINGS

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## MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, February 11, 2003  
Tuesday, 9:01 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, present.

Gary Rebenstorf, Director of Law; Cathy Holdeman, Assistant City Manager; Patsy Ellis, Deputy City Clerk; present. Chris Cherches, City Manager; absent.

Rev. Carolyn Brown, Unitarian Universalist Church, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved      The Minutes of the regular meeting of February 4, 2003, were approved 7 to 0.

## AWARDS AND PRESENTATIONS

CVB AWARD      The Corporate Partnership Award for 2002 was presented to the City by John Rolfe, President of the Convention Visitors Bureau.

BEST OF SHOW      Business Facilities Magazine – “Best of Show” Award was presented to the Chamber of Commerce and the City of Wichita.

PROCLAMATIONS      Proclamations previously approved were presented.

SERVICE CITATION      Distinguished Service Citation was presented.

## NEW BUSINESS

**RIVERWALK DEV.      RESOLUTION CONSIDERING THE ADOPTION OF A REDEVELOPMENT PROJECT PLAN (TAX INCREMENT FINANCING) FOR THE WATERWALK REDEVELOPMENT PROJECT FOR THE EAST BANK REDEVELOPMENT DISTRICT. (District I)**

Allen Bell      Financial Projects Director reviewed the Item.

Agenda Report No. 03-0144.

In 1995, the City Council took the necessary legal steps to establish the East Bank Redevelopment District for the purpose of generating tax increment financing for public improvements located within the district. On September 10, 2002, City Council approved a Development Agreement and Master Plan for the development of the Eastbank Redevelopment District. The City proposes to undertake a Redevelopment Project within the East Bank Redevelopment District in which tax increment financing will be used to develop a mixed-use development that incorporates a waterway system, public parking facilities, streetscape improvements and open areas with privately developed office, retail, residential, entertainment venues and waterfront restaurants. The project area is from Kellogg Street to Waterman Street and from Main Street to Mclean Boulevard. Before any incremental tax revenues can be captured and paid to the City for such purposes, the City Council must adopt a redevelopment plan,

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following notice and hearing, which provides details of the redevelopment project and the costs to be paid with tax increment financing.

State Law prescribes the process the City must follow in adopting a redevelopment project plan for tax increment financing purposes. The City Council must first adopt a resolution stating it is considering the adoption of a redevelopment project plan and setting the time and place for a public hearing on the matter. The resolution, must be mailed by certified mail to the owners and occupants of all property located within the district, as well as to the Board of County Commissioners and to the U.S.D. 259 Board of Education. The proposed time for the public hearing on the redevelopment project plan is 9:30 a.m. or thereafter, on Tuesday, March 18, 2003, in the City Council Chambers.

The redevelopment project plan will identify the project area in which redevelopment project will occur, the specific costs to be paid with TIF revenues and the nature, scope and timing of new facilities to be developed as part of the redevelopment project. The redevelopment project plan will also include a detailed feasibility report that shows the sufficiency of TIF revenues and other project funding to pay all costs associated with the redevelopment project. Prior to the public hearing before the City Council, the Metropolitan Area Planning Commission will consider the redevelopment project plan and determine its consistency with the community's Comprehensive Plan.

The cost of mailing the Resolution to all owners and occupants of property located within the district will be charged to the Waterwalk redevelopment project and ultimately paid from TIF revenues.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion --

Fearey moved that the Resolution declaring intent to consider adoption of a Redevelopment Project Plan for the Riverwalk Redevelopment District and setting March 18, 2003, as the date for a public hearing on the matter be adopted. Motion carried 7 to 0.

-- carried

## RESOLUTION NO. 03-069

A Resolution stating the City of Wichita is considering the adoption of a Redevelopment Project Plan for the Waterwalk Redevelopment Project for the East Bank Redevelopment District, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## LICENSE FEE

### HOME OCCUPATION LICENSE FEE.

Kurt Schroeder

Superintendent of Central Inspection reviewed the Item.

Agenda Report No. 03-0145.

The City's Zoning Code has long permitted certain types of businesses to be operated out of a residence. However, the Zoning Code severely limits the types of business that may operate as "home occupations", and further places limitations on the number of employees, types of equipment, types and number of business vehicles, outdoor storage, etc.

To assure that home occupations are operated in accordance with Zoning Code regulations, and in a manner compatible with residential neighborhoods, the City requires home occupations to be licensed, and then subsequently reviewed for compliance through annual license renewal. Between annual license renewals, staff also responds to complaints about home occupation operation, performing necessary regulatory code enforcement action.

In 2002, the City reviewed, licensed and performed necessary regulatory code enforcement on approximately 2,100 home occupations.

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The licensing fees for home occupations have not been increased in 22 years. The cost for Zoning Code review, processing and regulatory enforcement of home occupation licenses has greatly increased during this time period. Therefore, City Code Chapter 3.96 is proposed for amendment to more accurately represent the cost of annual license review and approval, as well as any related regulatory enforcement.

The amended ordinance increases the home occupation licensing fee from twenty to thirty-five dollars.

The proposed fee increase from twenty to thirty-five dollars will generate approximately \$31,500 in additional annual revenue (from approximately \$42,000 to \$73,500).

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion -- carried

Knight moved that the Ordinance be placed on first reading. Motion carried 6 to 0. (Brewer briefly absent)

## ORDINANCE

An Ordinance amending Section 3.96.010 and repealing the originals of said amended Section, all in the Code of the City of Wichita, Kansas, and pertaining to home occupation licenses in the City of Wichita, Kansas, introduced and under the rules laid over.

## NAMING BRIDGE

### NAMING OF SENECA STREET BRIDGE.

Jeanne Goodvin

Special Projects Director, City Managers Office, reviewed the Item.

Agenda Report No. 03-0146.

On Tuesday, January 14, 2003, the City Council appointed a seven member naming committee to consider a citizens request to rename the Seneca Street Bridge. The committee met and discussed the history of the Seneca Street Bridge. Historical data from the Ablah Library at WSU, City Public Works Dept. and other historical documentation was shared with the committee members.

Historical data indicates the bridge - known as the Seneca Street Bridge - was dedicated in 1925 as the B.F. McLean Bridge after the former Mayor of Wichita (1901-03, 1923). However, over the past fifty years this bridge has been commonly referred to as the Seneca Street Bridge.

After discussion and deliberation the Naming Committee's unanimous recommendation was: "To retain the commonly known name, the Seneca Street Bridge and to further recommend that a plaque be designed and worded to reflect the history of this bridge, with recognition; to both the Seneca Indian Tribe and to former Mayor McLean."

The estimated cost of the plaque would be approximately \$500.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion --

Knight moved that the recommendation of the Naming Committee to retain the name, the Seneca Street Bridge, and a plaque be designed and worded to reflect the history of this bridge, be approved. Motion carried 7 to 0.

-- carried

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## VISITORS BUREAU CONVENTION AND VISITORS BUREAU CONTRACT.

Jessica Johnson Marketing Director reviewed the Item.

Agenda Report No. 03-0147.

The Contract for the current fiscal year has been negotiated with staff and representatives from the Wichita Convention and Visitors Bureau. The provisions of this contract will ensure the continuation of the Strategic Master Plan for Tourism and the partnership of the CVB with the City of Wichita. The purpose of the Plan is to build awareness of Wichita as a tourist destination; change perceptions of the City's image and personality through targeted marketing, increase visitor traffic, and develop alternative funding sources to support tourism initiatives, both locally and regionally.

In support of this overall plan, the Wichita Convention & Visitors Bureau and the City have incrementally increased funding for the program through the Transient Guest Tax Fund. The September 11th tragedy has impacted the tourism industry as it has all business sectors throughout the country. According to the Travel Industry Association of America, total travel expenditures in the U.S. were down 6% nationwide, dropping from \$570.5 billion in 2000 to \$536.8 billion in 2002. Wichita felt this national trend.

The WCVB has been a vital partner in the implementation of the Tourism Plan with the development of several successful events, including: Wichita's first Aviation Festival, Pavarotti concert and the Hutchinson RV Convention. The Bureau has also secured several new conventions; worked to enhance the tourism product and developed a new "brand" for Wichita. Already for 2003, the Western Music Awards was secured to put Wichita in the national spotlight once again.

The proposed 2003 contract will continue marketing efforts and focus on priority projects contained in the Strategic Master Plan for Tourism. Some of the important CVB goals for this year include: increase of convention and tourism room nights; expanded hotel, attraction and activity marketing and promotions; enhanced website and research/survey capabilities; and increase efforts to secure private and other funding sources to support tourism initiative.

The proposed budget with the Convention and Tourism Bureau provides for funding in the amount of \$1,609,082. A deferred amount of approximately \$68,300 will be held until the last quarter of 2003 to determine if the projected transient guest tax revenues reach the budgeted projections. The total amount to be allocated will be \$1,677,460, if goals are met and the TGT budget is achieved. The 2003 contract increases the CVB's allocation \$14,130 over the 2002 contract, from \$1,663,330 to \$1,677,460.

Mayor Knight Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion -- Knight moved that the Contract be approved and the necessary signatures be authorized.

Council Member Gale Council member Gale stated that we are facing some tough budgetary times right now; that we've asked all our Department Heads to submit lists of possible cuts in each department throughout the City for the Council to consider this year as we wrestle with trying to close that gap in our budget and he would like this discussed at the upcoming budget workshop.

Substitute motion -- Gale made a substitute motion that this Item be deferred until the March 4th Council meeting.

Mayor Knight Mayor Knight stated he was going to vote for the regular motion and asked for a vote on the substitute motion.

---subs. motion failed Substitute motion failed 3 to 4. Knight, Pisciotte, Brewer, Fearey – No.

--motion carried Regular motion carried 4 to 3. (Gale, Lambke and Martz – no)

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## CITY COUNCIL AGENDA

### OFF AGENDA ITEM:

Motion -- carried Knight moved that the rules be set aside and an Item taken up off the Agenda. Motion carried 7 to 0.

Mayor Knight Mayor Knight complimented Council Member Martz on how well he had served the "Cowtown Board" for two years.

## **APPOINTMENT**

### BOARD APPOINTMENT.

Motion -- Knight moved that the appointment of Council Member Fearey to the Cowtown Board be approved.  
-- carried Motion carried 7 to 0.

## CONSENT AGENDA

Knight moved that the Consent Agenda be approved as consensus items. Motion carried 7 to 0.

## **BOARD OF BIDS**

### REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED FEBRUARY 10, 2003.

Bids were opened February 7, 2003, pursuant to advertisements published on:

Zoo Boulevard Bikepath from Central Avenue to Westdale - Zoo Boulevard north of Central. (87 TE-0159-01/472-83442/706832/202298) Traffic to be maintained during construction using flagpersons and barricades. (District VI)

Major Inc. - \$389,428.40 (Subject to KDOT approval)

44th Street South, from the west line of Hoover Road, east to the east line of Lot 12, Block C; 44th Court South (Lots 8 through 31, Block A) from the north line of 44th Street South, north to and including the cul-de-sac; and (Lots 22 through 35, Block A) from the north line of 44th Street South, north to and including the cul-de-sac to serve Gray's 5th Addition - north of 47th Street South, east of Hoover. (472-83552/765758/490869) Does not affect existing traffic. (District VI)

APAC Kansas Inc. - \$202,822.93

Water distribution system to serve Tara Falls Addition - south of Harry, west of 127th Street East. (448-89738/735105/470775) Does not affect existing traffic. (District II)

WBW Contractors - \$46,461.00

Lateral 340 Four Mile Creek Sewer to serve Tara Falls Addition - south of Harry, west of 127th Street East. (468-83526/743968/480656) Does not affect existing traffic. (District II)

K C Excavating - \$104,854.00 (Negotiated to Engineer's estimate)

Lateral 40 Main 24 War Industries Sewer to serve The Waterfront Addition - north of 13th Street North, east of Webb. (468-83553/743974/480622) Does not affect existing traffic. (District II)

Dondlinger & Sons - \$118,747.00

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Lateral 1 Main 5 Northwest Interceptor Sewer to serve Liberty Park & Heritage Baptist Church - north and south of 13th Street North, east of 135th Street West. (468-83528/743969/480657) Does not affect existing traffic; AND Lateral 4 Main 5 Northwest Interceptor Sewer to serve Copper Gate Estates Addition - south of 13th Street North, west of 135th Street West. (468-83532/743967/480655) Does not affect existing traffic. (District V)

Nowak Construction - \$338,363.00 (Total aggregate bid)

Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

AIRPORT DEPARTMENT/ENGINEERING DIVISION: Aircraft Rescue Fire Fighting Vehicles. (501100)

Oshkosh Truck Corp - \$1,426,747.00 (Total net bid)

\*Pending FAA Approval

POLICE DEPARTMENT/INVESTIGATIONS DIVISION: Meth Lab Truck. (602140)

Roberts Truck Center - \$128,795.00 (Total net bid)

VARIOUS DEPARTMENTS/VARIOUS DIVISIONS: Glass Window and Plate. (130591)

Hopper Glass Inc. - \$ 1.00 (Item 1: 3/32" clear glass/per sq ft)  
\$ 1.50 (Item 2: 1/8" clear glass/per sq ft)  
\$ 2.75 (Item 3: 1/8" clear mirror/per sq ft)  
\$ 2.20 (Item 4: 3/16" clear glass/per sq ft)  
\$ 3.00 (Item 5: 3/16" clear tempered glass /per sq ft)  
\$ 2.20 (Item 6: 1/4" clear glass/per sq ft)  
\$ 2.75 (Item 7: 1/4" gray glass/per sq ft)  
\$ 3.00 (Item 8: 1/4" clear tempered glass /per sq ft)  
\$ 3.20 (Item 9: 1/4" bronze tempered glass/ per sq ft)  
\$ 3.20 (Item 10: 1/4" gray tempered glass/per sq ft)  
\$ 4.75 (Item 11: 1/4" clear laminated glass/per sq ft)  
\$ 5.75 (Item 12: 1/4" gray laminated glass/per sq ft)  
\$ 5.75 (Item 13: 1/4" bronze laminated glass/per sq ft)  
\$ 6.25 (Item 14: 1/4" nuweld wire glass/per sq ft)  
\$ 4.25 (Item 15: 1/4" hammered wire glass/per sq ft)  
\$ 3.50 (Item 16: 1/4" clear mirror/per sq ft)  
\$ 4.50 (Item 17: 1/2" clear insulated Anne/per sq ft)  
\$ 9.36 (Item 18: 1" gray insulated tempered/per sq ft)  
\$ 9.36 (Item 19: 1" bronzed insulated temp/per sq ft)  
\$10.00 (Item 20: minimum dollar order/picked up)  
\$45.00 (Item 21: minimum dollar order/delivered)  
\$30.00 (Item 22: delivery charge)  
\$40.00 (Item 23: cost per hour labor installation)

POLICE DEPARTMENT/SUPPORT SERVICES DIVISION: Bomb Response Vehicle. (602140)

Sirchie Finger Print Labs - \$124,029.00 (Total net bid)

WATER & SEWER DEPARTMENT/PRODUCTION & PUMPING DIVISION: Couplings and Ductile Iron Pipe. (181222)

Water Products Inc. - \$5,274.78 (Item/total net bid)

US Pipe & Foundry - \$11,283.72 (Group 2/total net bid)

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PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: Improvements/Riverside Park. (785016)

Robl Construction Inc. - \$3,157,000.00 (Base bid)  
\$ 27,000.00\* (Add alternate 1)  
\$ 12,800.00 (Add alternate 3)

\*Negotiated to Engineer's estimate)

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

## LICENSE APPS.

### APPLICATION FOR LICENSE FOR ADULT ENTERTAINMENT /ESTABLISHMENTS/SERVICES:

#### Renewal - Adult Entertainment

Robert F. Floyd                      Kellogg Gift Shop Inc.                      6143 West Kellogg

Motion -- carried                      Knight moved that the license be approved subject to Staff review and approval. Motion carried 7 to 0.

### APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

Renewal                      2003                      (Consumption on Premises)

Arounh Sengeevony                      Bangkok Restaurant\*                      2020 South Rock #50

Renewal                      2003                      (Consumption off Premises)

Jay D. Brichacek                      On the Road Inc.                      550 North Webb Road

\*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion --                      Knight moved that the licenses be approved subject to Staff review and approval. Motion carried  
-- carried                      7 to 0.

## PLANS/SPECS.

### SUBDIVISION PLANS AND SPECIFICATIONS.

There were no subdivision plans and specifications considered.

## PRELIM. ESTIMATES PRELIMINARY ESTIMATES:

- a)                      Lateral 32 Cowskin Interceptor Sewer to serve Southern Ridge Addition - south of Pawnee, west of Maize. (468-83548/743965/480653) Does not affect existing traffic. (District V) - \$455,000.00
- b)                      Lateral 42, Main 24 War Industries Sewer to serve Wilson Estates Medical Park - south of 21st Street North, west of Webb Road. (468-83563/743963/480651) Does not affect existing traffic. (District II) - \$82,000.00
- c)                      Main 14 Four Mile Creek Sewer to serve Reed's Cove Addition - south of 21st Street North, east of 127th Street East. (468-83565/743961/480649) Does not affect existing traffic. (District II) - \$313,000.00

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- d) Lateral 1, Main 14 Four Mile Creek Sewer to serve Reed's Cove Addition - south of 21st Street North, east of 127th Street East. (468-83566/743962/480650) Does not affect existing traffic. (District II) - \$338,000.00
- e) Water distribution system to serve Wilson Estates Medical Park - south of 21st Street North, west of Webb Road. (448-89761/735100/470770) Does not affect existing traffic. (District II) - \$70,000.00
- f) Water distribution system to serve Hawthorne Addition - north of 21st Street North, east of 127th Street East. (448-89727/735086/470756) Does not affect existing traffic. (District II) - \$57,000.00
- g) Water distribution system #448-89732 to serve Hawthorne Addition - north of 21st Street North, east of 127th Street East. (448-89732/735088/470758) Does not affect existing traffic. (District II) - \$31,000.00
- h) Water distribution system #448-89735 to serve Hawthorne Addition - north of 21st Street North, east of 127th Street East. (448-89735/735089/470759) Does not affect existing traffic. (District II) - \$67,000.00
- i) Water distribution system #448-89736 to serve Hawthorne Addition - north of 21st Street North, east of 127th Street East. (448-89736/735090/470760) Does not affect existing traffic. (District II) - \$36,000.00.
- j) Water main In Gold Street, MacArthur to 35th Street South to serve South High School Addition - along Gold Street, north of MacArthur. (448-89694/448-89743/633751/735094/752845) Traffic to be maintained during construction using flagpersons and barricades. (District IV) - \$226,596.40
- k) 21st Street from Maize to 119th - Phase 2 Landscaping. (472-83138/706814/201279) Does not affect traffic. (District V) - \$57,740.00
- l) Lateral 40, Main 15 Southwest Interceptor Sewer to serve Reflection Ridge Third Addition - north of 21st Street North, east of Tyler. (468-83537/743966/480654) Does not affect traffic. (District V) - \$26,000.00
- m) Lateral 328 Four Mile Creek Sewer to serve Balthrop 4th Addition - north of Central, west of K-96. (468-83391/743956/480644) Does not affect traffic. (District II) - \$94,900.00
- n) Storm Water Drain #197 to serve Wilson Estates Medical Park - south of 21st Street North, west of Webb Road. (468-83564/751323/485214) Does not affect traffic. (District II) - \$182,000.00
- o) Storm Water Sewer #570 to serve Fossil Rim Estates - south of 29th Street North, east of Tyler. (468-83449/751318/485209) Does not affect traffic. (District V) - \$779,000.00
- p) Water distribution system to serve Reflection Ridge Third Addition - north of 21st Street North, east of Tyler. (448-89751/735102/470772) Does not affect traffic. (District V) - \$32,500.00
- q) Water distribution system to serve Balthrop 4th Addition - north of Central, west of K-96. (448-89655/735091/470761) Does not affect traffic. (District II) - \$60,000.00
- r) Water distribution system to serve Reed's Cove Addition - south of 21st Street North, east of 127th Street East. (448-89764/735099/470769) Does not affect traffic. (District II) - \$160,000.00.
- s) Water main replacement for the Mission Heights Area - between Kellogg and Lincoln, from Quentin to Edgemoor. (448-89416/636090/779170) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$2,063,000.00



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- t) Water line along Bebe from Central to Elm, and along Elm from Bebe to approx. 630 ft. west of Bebe to serve Sunnyside Gardens Addition - along Bebe, north of Central. (448-89709/735080/470750) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$51,000.00
- u) 2003 street rehabilitation: Meridian, Kellogg Drive & 127th Street East - north of MacArthur - east of West Street. (472-83672/706850/203316) Traffic to be maintained during construction using flagpersons and barricades. (District II, IV) - \$300,000.00
- v) Cranbrook from the south line of 21st Street North to the south line of Lot 1, Block 6; Churchill /Shadybrook from the westerly line of Cranbrook to the west line of Lot 4, Block 1; 19th Street North from the west line of 19th Court North to the east line of Lot 1, Block 6; 19th Court North from the south line of 19th Street North to and including the cul-de-sac; sidewalk along the west line of Cranbrook and the south line of 19th Street North to serve Remington Place Addition - east of Webb, south of 21st Street North. (472-8376/765763/490874) Does not affect traffic. (District II) - \$625,000.00
- w) Shadybrook/Lindberg from the east line of Cranbrook to the east line of Cranbrook to serve Remington Place Addition - east of Webb, south of 21st Street North. (472-83377/765764/490876) Does not affect traffic. (District II) - \$115,000.00
- x) Storm Water Drain #166 to serve Remington Place Addition - east of Webb, south of 21st Street North. (468-83253/751322/485213) Does not affect traffic. (District II) - \$225,892.00
- y) Spyglass, from the south line of Lot 49, Block 7 to the south line of Blade; Spyglass Court, from the south line of Spyglass to and including cul-de-sac; Blade, from the west line of Spyglass to the west line of Lot 38, Block 2; Millrun, from the east line of Spyglass to the east line of Lot 16, Block 4; and Millrun Court, from the south line of Millrun to and including cul-de-sac to serve Sawmill Creek Addition - north of 45th Street North, east of Rock. (472-83624/765757 /490668) Does not affect traffic. (District II) - \$488,000.00
- z) Installation of water main in Maize Road from 29th Street North to 37th Street North (District V) - along Maize Road from 29th Street North to 37th Street North. (448-89752/633754 /752869) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$390,000.00

Motion -- carried

Knight moved that the preliminary estimates be approved. Motion carried 7 to 0.

## DEEDS/EASEMENTS DEEDS AND EASEMENTS:

- a) Easement dated December 16, 2002 from USD 259 for a tract of land located in Bryant-Hadley Addition (adjacent to Eberly Addition), Wichita, Sedgwick County, Kansas (Private Project, OCA # 607861). No cost to City.
- b) Easement dated December 3, 2002 from Lawrence M. Holzman, Jr. for a tract of land located in the Southwest Quarter of Section 26, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas (Private Project, OCA # 607861). No cost to City.
- c) Easement dated December 16, 2002 from Ron Smith, President, Smith & Company for a tract of land located in Lot 23, Block 2, Smithmoor 10th Addition, Sedgwick County, Kansas (Private Project, OCA # 607861). No cost to City.
- d) Easement dated December 16, 2002 from Ron Smith, President, Smith & Company for a tract of land located in Lot 26, Block 2, Smithmoor 10th Addition, Sedgwick County, Kansas (Private Project, OCA # 607861). No cost to City.

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e) Sanitary Sewer Easement dated January 17, 2003 from Newmarket Square, Ltd., a Kansas Corporation for a tract of land in the north half of the Northeast Quarter of Section 6, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas (Main 6, NW Interceptor Sewer, OCA # 743925). No cost to City.

f) Sanitary Sewer Easement dated January 17, 2003 from Newmarket Square, Ltd., a Kansas Corporation for a tract of land in the north half of the Northeast Quarter of Section 6, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas (Main 6, NW Interceptor Sewer, OCA # 743925). No cost to City.

Motion -- carried Knight moved that the documents be accepted. Motion carried 7 to 0.

## **PAVING PETITIONS STREET PAVING TO SERVE REMINGTON PLACE SECOND ADDITION – SOUTH OF 21ST, EAST OF WEBB. (District II)**

Agenda Report No. 03-0148.

The Petitions have been signed by one owner, representing 100% of the improvement districts.

These projects will provide paving to a new residential development located south of 21st, east of Webb.

The Petitions total \$177,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion -- carried Knight moved that the petitions be approved and the Resolutions be adopted. Motion carried 7 to 0.

### **RESOLUTION NO. 03-070**

Resolution of findings of advisability and resolution authorizing improving Linberg from the south line of Lot 2, Block 1, to the north line of Lot 16, Block 1; and Bronco Street from a point 28.63 feet east of the west line of Lot 4 to 48.65 feet west of the east line of Lot 11, (south of 21<sup>st</sup> Street, east of Webb) 472-83678, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

### **RESOLUTION NO. 03-071**

Resolution of findings of advisability and resolution authorizing improving Decel Lane on 21<sup>st</sup> Street North on the east 250 feet of Lot 1, Block 1 in Remington Place Second Addition (south of 21<sup>st</sup> Street, east of Webb) 472-83679, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## **PAVING PETITION PAVE WATERFRONT PARKWAY IN THE WATERFRONT ADDITION – NORTH OF 13TH, EAST OF WEBB. (District II)**

Agenda Report No. 03-0149

The Petition has been signed by one owner, representing 100% of the improvement district.

The project will provide street paving for a new commercial development located north of 13th, east of Webb.

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The Petition totals \$1,672,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion -- carried

Knight moved that the petition be approved and the Resolution be adopted. Motion carried 7 to 0.

## RESOLUTION NO. 03-072

Resolution of findings of advisability and resolution authorizing improving Waterfront Parkway from the north line of 13<sup>th</sup> Street to the east line of Webb Road, (north of 13<sup>th</sup> Street, East of Webb) 472-83688, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## SANITARY SEWER

### **SANITARY SEWER TO SERVE PART OF S & G INDUSTRIAL ADDITION – 47TH STREET SOUTH, EAST OF HYDRAULIC. (District III)**

Agenda Report No. 03-0150

The Petition has been signed by four owners, representing 100% of the improvement district.

The project will extend sanitary sewer service to two industrial tracts located at 47th Street South, east of Hydraulic.

The Petition totals \$12,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion -- carried

Knight moved that the petition be approved and the Resolution be adopted. Motion carried 7 to 0.

## RESOLUTION NO. 03-073

Resolution of findings of advisability and resolution authorizing improving of Lateral 93, Main 1, Southwest Interceptor Sewer (at 47<sup>th</sup> Street South, east of Hydraulic) 468-83585, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## STREET CLOSURES

### **CONSIDERATION OF STREET CLOSURES/USES.**

There were no street closures submitted.

## RESPREAD ASSMNTS. **RESPREAD ASSESSMENTS – GREAT PLAINS BUSINESS PARK SECOND ADDITION – EAST OF OLIVER, SOUTH OF 37TH STREET NORTH. (District I)**

Agenda Report No. 03-0151

The landowner, Great Plains Ventures, Inc., has submitted an Agreement to respread special assessments within Great Plains Business Park 2nd Addition.

The land was originally included in several improvement districts for public improvement projects. The purpose of the Agreement is to respread special assessments to reflect the changes in platting.

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There is no cost to the City.

Motion -- Knight moved that the Agreement be approved and the necessary signatures be authorized. Motion  
-- carried carried 7 to 0.

**RESPREAD ASSMNTS. RESPREAD ASSESSMENTS – BRADLEY FAIR FOURTH ADDITION – SOUTH OF 21ST STREET NORTH, EAST OF ROCK ROAD; AND LEGACY PARK WILSON ESTATES ADDITION – SOUTH OF 21ST STREET NORTH, WEST OF WEBB ROAD (District II)**

Agenda Report No. 03-0152

The landowners, Barbara W. Waddell and Bradley Fair One, L.L.C., have submitted an Agreement to respread special assessments within Bradley Fair 4th Addition and Legacy Park Wilson Estates.

The land was originally included in numerous improvement districts for a number of public improvement projects. The purpose of the Agreement is to respread special assessments to more fairly distribute the cost of the improvements.

There is no cost to the City.

Motion -- Knight moved that the Agreement be approved and the necessary signatures be authorized. Motion  
-- carried carried 7 to 0.

**DEFERRAL LIEN RELEASE OF HARDSHIP DEFERRAL LIEN.**

Agenda Report No. 03-0153

During the past year, the property owner of 11806 W. Jamesburg applied for Special Assessment Hardship Deferral to defer payments of special assessment on water project No. 448-88554. The property owner signed a Lien Agreement with the City of Wichita that was filed with the Sedgwick County Register of Deeds.

The property owner has requested that the hardship deferral be released and put back on the tax roll for the remaining nine-year period.

There is no cost to the City of Wichita.

Motion -- Knight moved that the Release of Hardship Deferral Lien Agreement be approved and the necessary  
-- carried signatures be authorized. Motion carried 7 to 0.

**LIQUOR RENEWAL OF SPECIAL LIQUOR TAX FUND CONTRACTS.**

Agenda Report No. 03-0154

In 2001 the City issued a competitive Request for Proposals (RFP) for funding alcohol and substance prevention and treatment programs (with funding to commence in January 2002). The RFP incorporated City Council's guidelines established for funding such programs and the Special Liquor Tax Coalition reviewed the proposals received and made funding recommendations to the City Council. The Council ultimately funded twelve programs for a one-year period ending December 31, 2002. An option to renew contracts with the programs for an additional year is available.

The Council is being requested to approve renewal of twelve (12) contracts with alcohol and substance abuse prevention and treatment programs. The renewal period will be from January 1, 2003 through December 31, 2003. Over the previous contract period each program's outcomes was reviewed by the

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Special Liquor Tax Coalition and the Coalition recommends that all programs' contracts be renewed at their full contract amount. The total amount of the twelve (12) contracts was \$942,570 with allocations as follows:

(1) Sedgwick Co. Behavioral Health Center	\$ 98,865
(2) Big Brothers-Big Sisters	73,400
(3) Center for Health & Wellness	50,000
(4) TiyoSpay, Inc. (Higher Ground)	15,000
(5) Mental Health Association (Pathways)	32,625
(6) Mid-America All-Indian Center (IATS)	43,870
(7) Miracles, Inc.	71,800
(8) Parallax Program, Inc. (Chronic Relapse)	109,410
(9) Parallax Program, Inc. (Detoxification)	250,000
(10) Regional Prevention Center, Inc.	149,070
(11) Youth Development Services, Inc.	33,530
(12) Knox Center	15,000

Funds are available in the Special Liquor Tax Fund to renew the twelve (12) contracts totaling \$942,570. The contracts will not obligate general fund monies.

Approval as to form by the Department of Law will be obtained prior to the execution of the contract renewals.

Motion --  
-- carried

Knight moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## KDOT

### **STREET RESURFACING ON 47TH STREET SOUTH, FROM BROADWAY TO I-135/235 INTERCHANGE. (Districts III and IV)**

Agenda Report No. 03-0155

The Kansas Department of Transportation (KDOT) has available a street resurfacing (KLINK) program for cities which have highway connecting links within the their city limits. The KLINK program is intended for resurfacing improvements on the connecting links, which are maintained by the cities.

KDOT has advised the City of Wichita that KLINK Fiscal year 2003 funds in the amount of \$200,000 have been allocated for a resurfacing project on 47th Street South (US-81) from Broadway to I-135/235 Interchange and approaches to I-135/235 Interchange.

The Agreement provides that KDOT will reimburse the City in the amount of fifty percent of the approved construction cost including construction engineering and contingencies, but not to exceed a maximum of \$200,000.

Funding is the amount of \$250,000 is available in the Street Maintenance Operating budget. Fifty percent of the costs, not to exceed \$200,000 will be reimbursed to the City by KDOT.

Motion --  
-- carried

Knight moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

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## CENTURY II

### CENTURY II CATERING AGREEMENT AMENDMENT.

Agenda Report No. 03-0156

In 1996, the City Council approved a Catering Agreement with East Bank Hotel Associates (EBHA) relating to the provision of catering services to the Century II convention center by the Hyatt Regency Wichita. In 1998, the City Council approved a First Amendment to the Catering Agreement, making certain adjustments to the formula for compensating EBHA for the catering services. In 2000, the Catering Agreement, as amended, was assigned to the Hyatt Hotel Corporation, under the terms of its management agreement with the City, as part of the acquisition of EBHA's interest in the Hyatt Regency Wichita by the City. In order to conform to certain corporate bookkeeping requirements of the hotel chain, the Hyatt Hotel Corporation is requesting a second amendment to the Catering Agreement.

In 1998, the City and EBHA amended the Catering Agreement and lowered the fees paid to the City for use of Century II space from 18% of gross revenue to 14%. The change was intended to provide EBHA with higher net income from catering activities, to compensate for lower than expected profit margins in the catering department. To guard against the possibility that there would be windfall profits if catering activity increased significantly, the amendment provided for 18% fees on any net operating income above \$180,000. Information provided to EBHA prior to the development of the Hyatt indicated that the City anticipated that the operator of Century II catering would realize net income of \$180,000.

The Hyatt Hotel Corporation, under the terms of the Hotel Management Agreement with the City, is now responsible for performing all catering services in Century II provided for in the Catering Agreement, as amended. The accounting system used by the Hyatt Regency Wichita is the standard accounting system used by all hotels managed by the Hyatt Hotel Corporation. While gross revenue is reported for each department (e.g. rooms department, food and beverage department, banquet department), the accounting system does not report departmental net operating income. The Hyatt is therefore unable to determine whether or not an 18% catering fee is payable to the City on the basis of net operating income, or what amount it would be if payable.

The proposed solution, reflected in the proposed amendment, is to replace "net income in the amount of \$180,000" with "gross income of \$1,100,000." Hotel and City staff have analyzed the financial records of the operation of the Hotel by both Stormont Trice Corporation and Crestline Hotels & Resorts. By extrapolation, Hyatt estimates that on average, \$1,100,000 in annual gross revenue would have been needed to generate operating income of \$180,000.

The only other change included in the proposed amendment is to acknowledge that for purposes of the Catering Agreement, Hyatt Hotel Corporation shall replace EBHA as the exclusive provider of catering services.

The proposed amendment to the Century II Catering Agreement is intended to have no financial impact on the City or on the operations of the Hyatt Regency Wichita. Without the amendment, the City will not receive the fees owed under the Catering Agreement, and without the amendment, the Hyatt Hotel Corporation will be in violation of the management agreement as it pertains to catering services in Century II.

Motion --  
-- carried

Knight moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## WORLD TRADE CEN. WORLD TRADE CENTER.

Agenda Report No. 03-0157

Since 1998, the City has contracted for economic development services from the Kansas World Trade Center ("KWTC") in the annual amount of \$50,000 per year. Sedgwick County likewise contracts for similar services from KWTC in the same amount each year. Since the early 1990s, KWTC has operated administratively under a program services and lease agreement with the Chamber of

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Commerce. In November 2002, the KWTC Board of Directors voted to terminate the agreements with the Chamber of Commerce and enter into an administrative services contract with the City of Wichita.

The mission of the KWTC is to promote the expansion of international trade activities of businesses in Wichita and in Kansas by providing specialized trade assistance and research to companies wishing to expand their access to the global marketplace. In addition to providing consulting and targeted services and research for companies that are actively seeking international trade opportunities, the KWTC also conducts promotional campaigns, seminars, trade missions and presentations aimed at creating awareness of such opportunities. Under the proposed contract with the City, KWTC will continue to provide those same economic development services to companies seeking to increase international trade activity and will provide office/staffing and administrative support for KWTC operations.

Under the proposed contract with the KWTC, the City will provide program personnel in the form of a trade services position who will directly implement KWTC programs and operations under the supervision of the KWTC independent Board. For purposes of the City's personnel system, the KWTC trade position will be an Industrial Analyst position listed under the Economic Development Office in the Department of Finance.

Under the terms of the five-year contract, the City (and the County) will continue to provide funding support for KWTC economic development services in an annual amount not-to-exceed \$50,000, subject to annual appropriations by the City Council (or County Commission) as part of the annual budget process. Funding for the City's support was budgeted and approved in the adopted 2003 budget within the City's Economic Development Fund. Payment for the position and administrative support costs for the KWTC office will be paid to the City from KWTC from its annual funding sources and from income from KWTC operations and the sale of corporate and private business memberships.

The agreement will be approved as to form by the Law Department prior to its execution.

Motion -- Knight moved that the services Agreement with the Kansas World Trade Center be approved and execution for the establishment of an industrial analyst position in the Department of Finance at Pay Range 117 be authorized. Motion carried 7 to 0.

-- carried

## RIVERSIDE PARK

### RIVERSIDE PARK SUPPLEMENTAL.

Agenda Report No. 03-0158

The Council approved major modifications to the Riverside Park System in the CIP. On November 14, 2000, the City approved an agreement with Wilson Darnell Mann P.A. (WDM) to design the improvements. The Contract for Architectural Services with WDM lists the construction related services which the design team will provide, and includes the phrase, "Should the project scope or budget be revised upward at any point during the process, the design team will be compensated accordingly through supplemental agreement(s)."

The project consists of construction work to be awarded under two separate contracts. The first contract is for work related to street removal, modification and new construction, primarily to Nims, Stackman and Murdock. The second contract is for improvements and modifications to improve the Public's recreational/cultural experience in Central Riverside Park, an area surrounding Park Villa, and in Oak Park. The proposed Supplemental Agreement between the City and WDM provides for construction engineering, staking and full time inspection for work included in both contracts. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering and related work for this project.

Payment will be based on time and cost over a twelve month period with a maximum not to exceed \$340,000, and will be paid from project funds.

Motion -- Knight moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

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**DESIGN SERVICES     AGREEMENT FOR DESIGN SERVICES - REMINGTON PLACE ADDITION – EAST OF WEBB, SOUTH OF 21<sup>ST</sup> STREET. (District II)**

Agenda Report No. 03-0159

The City Council approved the project on April 24, 2001.

The proposed Agreement between the City and Professional Engineering Consultants, P.A. (PEC) provides for the design of bond financed improvements in Remington Place Addition. Per Administrative Regulation 7a, staff recommends the selection of PEC as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$104,300, and will be paid by special assessments.

Motion --                      Knight moved that the Agreement be approved and the necessary signatures be authorized. Motion  
-- carried                      carried 7 to 0.

**DESIGN SERVICES     AGREEMENT FOR DESIGN SERVICES - FALCON FALLS ADDITION – SOUTH OF 53RD NORTH, WEST OF HILLSIDE. (District I)**

Agenda Report No. 03-0160

The City Council approved the project on January 7, 2003.

The proposed Agreement between the City and Poe & Associates of Kansas, Inc. provides for the design of bond financed improvements in Falcon Falls Addition. Per Administrative Regulation 7a, staff recommends the selection of Poe as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$77,800, and will be paid by special assessments.

Motion --                      Knight moved that the Agreement be approved and the necessary signatures be authorized. Motion  
-- carried                      carried 7 to 0.

**DESIGN SERVICES     AGREEMENT FOR DESIGN SERVICES - TARA FALLS ADDITION – SOUTH OF HARRY, EAST OF GREENWICH. (District I)**

Agenda Report No. 03-0161

The City Council approved the project on October 22, 2002.

The proposed Agreement between the City and Ruggles & Bohm, P.A. (R&B) provides for the design of bond financed improvements in Tara Falls Addition. Per Administrative Regulation 7a, staff recommends the selection of R&B as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$60,324, and will be paid by special assessments.

Motion --                      Knight moved that the Agreement be approved and the necessary signatures be authorized. Motion  
-- carried                      carried 7 to 0.



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## **BROOKS LANDFILL    BROOKS LANDFILL OPERATIONS AND CLOSURE CHANGE ORDER. (District VI)**

Agenda Report No. 03-0163

The 1996 Brooks Landfill Operations contract included the closure of Cell D. Herzog Environmental, the operations contractor, submitted a closure plan, which was approved by the City of Wichita and the Kansas Department of Health and Environment (KDHE). Included in the closure plan were details of the proposed drainage system and the materials to be used.

As the final contours of the landfill cell were developed, modifications to the drainage plan were required, including additional terraces to be installed to help control erosion along the sides of the landfill. The terraces direct runoff water to "letdown" areas, which are designed to convey drainage to the bottom of the slope. With the concentrations of water from the terraces, the letdown areas have suffered significant erosion in heavy rains, and have been difficult to maintain. To protect these letdown areas, and prevent erosion of the fill cover, Herzog has proposed reconstructing the letdowns and installing gabion baskets. The improved down drains will minimize erosion and reduce future maintenance costs.

Herzog has agreed to provide all labor and equipment to install the new letdowns, if the City of Wichita will furnish the materials. The total material cost is \$49,407. Funds are available for this work in the Landfill Post Closure budget.

Motion --  
-- carried

Knight moved that the Change Order be approved; and the budget transfers and necessary signatures be authorized. Motion carried 7 to 0.

## **ART MUSEUM    ART MUSEUM MODIFICATION/EXPANSION. (District VI)**

Agenda Report No. 03-0191

On October 17, 2000, the City Council approved an Agreement between the City of Wichita and the Wichita Art Museum, Inc. to provide for the financing and management of the modification/expansion project for the Wichita Art Museum.

On March 20, 2001, the City Council approved the bid of Dondlinger & Sons to construct the modification/expansion project for the museum, which will add approximately 35,000 square feet, increase gallery space by 43% and allow the visiting public better access.

The Change Order request for \$210,969.00 is for modifications to the scope of work as recommended by the Owner, Architect, and/or Contractor. Change Order items are as follows:

- Revised Entry Court Plaza and Hardscape.
- Delete Wood Floors in Galleries.
- Add Soda Syrup Lines at Cafe'.
- Add PVC Insulation Throughout.
- Add Tray Runners at the Serving Line Granite.
- Library Shelving Support Work.
- Second Floor Gallery and Lounge Revisions.
- Delete Dimmers for LSI Fixtures.
- Sound Batting for Director's Office.
- Third Floor Gallery Walls.
- Electrical Receptacles in the WAM for Kids.
- Upgrade of Floor Sealer at Collections Area.
- Additions of Lockers in Room 204.
- Stainless Steel Panel Infill at Room 307D.
- Additional Motion Detector in Room 244.
- Replace Storage Door Latches in Room 257 A&B.

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The Change Order for \$210,969.00 will be funded from the Private Donations at \$4.5 million portion of the project budget (Project No. 435309, OCA No. 792339). The unencumbered balance is \$570,765.00.

The Change Order amount is within 25% of the construction Contract cost limit set by City Council policy at 5.099%. Change Orders over \$10,000 require City Council approval.

Motion --  
-- carried

Knight moved that the Change Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## DESIGN SERVICES

### SUPPLEMENTAL AGREEMENT FOR SENECA FROM TEXAS TO MCLEAN. (District IV)

Agenda Report No. 03-0164

On August 18, 1998, the City approved an Agreement with Mid-Kansas Engineering Consultants, Inc. (MKEC) to design Seneca Street improvement from Texas to McLean. The fee was \$62,289. On June 22, 1999, the City Council approved Supplemental Agreement No. 1 for additional design work beyond what was initially contemplated. The fee was \$18,300. On November 19, 2002, the City Council approved Supplemental Agreement No. 2 asking MKEC to review corridor design and construction components along the Seneca Corridor from Kellogg to McLean and The Delano and Museum Districts affecting design. The fee was \$39,500. On August 7, 2001, the City Council approved Supplemental Agreement No. 3 for MKEC to design a boulevard concept on Seneca from Maple to McLean. The fee was \$77,000.

The proposed Supplemental Agreement between the City and MKEC is for design services for the structural design of the artistic elements to be installed along Seneca; and construction drawings, including necessary installation details, or electrical circuitry necessary to provide aesthetic lighting of the artistic elements and sculptures, and for seasonal lighting.

Payment will be on a lump sum basis of \$18,500 and will be paid by General Obligation Bonds.

Motion --  
-- carried

Knight moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## WATER STUDY

### WATER TASTE AND ODOR TREATMENT STUDY.

Agenda Report No. 03-0165

Customer complaints about taste and odor in the water have increased and Staff believes they have been motivated by two separate, but interconnected causes. The primary cause is water from Cheney Reservoir with the secondary cause being the semi-annual cleaning of basins at the water treatment plant. A separate CIP project has been initiated to correct problems associated with the basin cleaning.

Problems with taste and odor in water from Cheney Reservoir are not new. The causes and treatment options are challenging and complex. Certain types of microscopic plants (algae) and bacteria in the reservoir can generate organic compounds that create taste and odor in the water with the most common cause being the rapid growth of blue-green algae. This rapid growth of algae, or "bloom," can generate compounds that give water an earthy, musty, or fishy odor.

Several alternatives are available to treat taste and odor in water, the most common being:

1. potassium permanganate
2. chlorine dioxide
3. ozone
4. hydrogen peroxide
5. adsorption with activated carbon

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Potassium permanganate, a moderately strong oxidant, was recently fed at the Cheney Pump Station. Current budget is \$30,000 per year for this chemical. Potassium permanganate may reduce the intensity and duration of taste and odor in the water, but as evidenced by recent problems, it usually does not eliminate taste and odor, and was discontinued this winter after its limited effectiveness was established.

Cheney Pump Station is also equipped to feed powdered activated carbon (PAC). There are many types of PAC on the market, and the only way to determine if a particular type is successful is to test it at the time taste and odor problems are occurring. PAC is likely to be far more effective than potassium permanganate, but also more expensive.

A minimum of nine (9) hours is required for the water to travel from the reservoir to the treatment plant; therefore, unless treatment is started prior to a taste and odor event, customers will be affected by taste and odor before adjustments can be made. Predicting when blooms will occur is next to impossible. While most algal blooms occur in the spring, summer, and fall, the event occurring this winter is an example of their unpredictability.

To insure that treatment will occur when taste and odor compounds are present, the City will have to treat the water with a "preventative" dosage. If PAC were only fed during the period when algae blooms were to most likely occur (spring through fall), it is estimated that the cost would be approximately \$720,000 to \$850,000 (based on current flows). If PAC had to be fed all year at a dose of 50 parts per million, the cost would increase to approximately \$2.3 million. We currently do not have the ability to use the other treatment alternatives, but the cost of those would probably range from \$700,000 to over \$2 million per year. Due to the large range of costs, further study is needed to determine the feasibility of these alternatives.

None of the technologies is guaranteed to remove all taste and odor when used alone. Using any particular one may improve the perceived water quality for many people, but is unlikely to eliminate the problem all the time. It is possible using more than one technology in combination with another may produce the desired results. Determining which technologies and the quantities to use will require extensive study. The study would consist of piloting ozone treatment, both alone, and in conjunction with other oxidants and adsorbing agents. It would identify treatment effectiveness as well as capital, operations, and maintenance costs, and would evaluate the best design approach for improvements.

Cost estimation is approximately \$150,000 for the pilot unit, consulting costs, and engineering fees. Funding is available in the Water Supply Plan, CIP W-549.

City Council authorization is required for projects in excess of \$10,000.

Motion -- carried

Knight moved that the consultant selection be authorized. Motion carried 7 to 0.

## **WATER STORAGE**

### **ELEVATED POTABLE WATER STORAGE TANK CIP AMENDMENT.**

Agenda Report No. 03-0166

The City provides treated drinking water to 368,000 people. The service population is projected to increase to over 450,000 by 2010. To ensure future water needs are met, the Water & Sewer Department initiated a study of its water system. The Water Master Plan was completed in November 1999 with a number of significant improvements being recommended to ensure adequate service levels now, and in the future. Improvements recommended included an elevated water storage tower in northeast Wichita and the associated water lines.

On September 12, 2000, Black and Veatch Corporation was selected as the consultant to perform site selection for the elevated storage facilities and to prepare concept drawings. March 6, 2001, City Council approved proceeding with the design and construction of the elevated storage facility, with a budget of \$1.75 million. Black and Veatch was then selected on April 9, 2002, to perform design and inspection services for the Northeast Elevated Storage Facility.

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Several issues arose during the design of the facilities that will impact the cost - the need to extend electrical power one-half mile to the site and deep foundations required as the result of poor soil conditions. These costs have increased the estimated project expense. The current estimated cost for the Northeast Elevated Water Storage Facility totals \$2.61 million.

Construction of the Water Supply Plan (W-403) will be later than anticipated in the current CIP. The 2004 budget can be decreased by \$860,000 (the amount of increase needed for added cost of the elevated water storage facility). However, the future Water Supply budget will have to be increased by this amount.

The associated water line was in the 2001 CIP as W-848 with a budget of \$110,000 and W-849 was budgeted for \$210,000. These two can be partially combined under W-849 for \$310,000.

City Council authorization is required for all amendments to the CIP.

Motion --

-- carried

Knight moved that the amendments to the Water Capital Improvements Program be approved; the Resolutions be adopted; and the additional cost for the project, subject to review and approval of all unit costs by the City Manager's Office, be approved. Motion carried 7 to 0.

## RESOLUTION NO. 03-074

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the City, and to issue Revenue Bonds in a total principal amount which shall not exceed \$310,000, exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Martz moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## RESOLUTION NO. 03-075

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the City, and to issue Revenue Bonds in a total principal amount which shall not exceed \$2,610,000, exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Martz moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## RELIEF FUND

### DECLARATION FOR PARTICIPATION IN FIREFIGHTER'S RELIEF FUND FOR 2003.

Agenda Report No. 03-0167

The Declaration for Participation must be executed and filed each year to allow the local Firefighters Relief Association to participate in the distribution of the State Firefighters Relief Fund Tax. This Firefighters Relief Fund Tax distribution will be from all fire and lightning insurance premiums collected. The certification indicates that the Wichita Fire Department is a full paid, public fire department with 365 salaried firefighters, and has fire apparatus and necessary equipment that is in serviceable condition with a value exceeding \$20,000,000.00.

By State Statue, two percent of the total premium on fire and lightning insurance written within the State during a calendar year goes to the Commissioner of Insurance to establish the State Firefighter's Relief Fund. After certain payments required by law, the balance of the fund is paid to local firefighters relief associations to be used for benefits for firemen injured, disabled, or killed in the line of duty, payment of funeral expenses, payment of a pension benefit for full-time firemen who are unfit for service after serving 20 years with the department, and to purchase insurance which would provide any of the listed benefits. The Wichita Firemen's Relief Association received \$468,199.92 in the 2001 distribution and received \$730,518.68 in the 2002 distribution. The difference between 2001 and 2002

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is the result of the Association filing for predetermination through the State Insurance Commissioner's Office. Distribution of the fund to the 582 Associations throughout the state is calculated using the valuation and population of the area the department provides fire protection for. The Wichita Firemen's Relief Association had never filed for predetermination, which is allowed by the state every three years. The City of Wichita has had a Wichita Firemen's Relief Association since 1896 and has participated in the State Firefighters Relief Association for more than 80 years. The certification is for calendar year 2003.

The Firefighters Relief Fund was created by K.S.A. 40-1701, et seq., and K.A.R. 40-10-1, et seq.

There will be no expense to the City.

Motion --  
-- carried

Knight moved that the Declaration for Participation in the Firefighters Relief Association for 2002 be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

## SETTLEMENT

### SETTLEMENT OF LITIGATION.

Agenda Report No. 03-0168

In 2002, the plaintiff Crump suffered various damages incurred while her business was involuntarily closed by order of the Police Department.

After proceeding through discovery, evaluating the extent of the claimed damages, and considering the risks of trial in light of the change in law affecting this action, it was determined that a resolution of this matter is appropriate. After mediation, the City has been offered an opportunity to resolve both a federal court and a related state court action with a lump sum payment as full settlement of all claims arising out of this incident. No admission of liability is made by the City. The purpose of the settlement is to resolve a disputed claim.

Funding for this settlement is from the tort claims fund.

Motion --  
-- carried

Knight moved that payment of \$62,000.00 as a full settlement of the case be authorized. Motion carried 7 to 0.

## PAYMENT

### PAYMENT OF CONDEMNATION AWARD – PROPERTY IN CONNECTION WITH EAST KELLOGG IMPROVEMENTS. (District II)

Agenda Report No. 03-0169

The City has identified the need to acquire three properties along East Kellogg in connection with the planned improvements to East Kellogg between Armour and the Turnpike entrance. The properties are 8136 East Kellogg; 8330 East Kellogg; and 9100 East Kellogg. In September of last year the City initiated eminent domain proceedings to acquire these properties. On January 14, 2003, the court appointed appraisers filed their award. They determined the compensation to be paid for the acquisition to be \$3,152,000. The court awarded the three appraisers fees in the amount of \$30,000. Court costs are \$110.

In order for the City to acquire this right-of-way, it must pay the award, together with fees and costs, to the Clerk of the District Court on or before February 13, 2003.

The costs of acquiring these properties will be paid from project funds.

The City has until February 13, 2003, to decide whether or not to acquire the property. If payment is not made to the Clerk by that date, the eminent domain is deemed abandoned.

Motion --  
-- carried

Knight moved that the payment to the Clerk of the District Court in the amount of \$3,182,110 be authorized. Motion carried 7 to 0.

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## **PROPERTY ACQ.      ACQUISITION OF LAND IN THE 300 BLOCK OF NORTH HILLSIDE. (District II)**

Agenda Report No. 03-0170

The Hillside Improvement Project, Kellogg to Central, was approved for design and right-of-way acquisition by the City Council on December 11, 2001. One of the properties to be acquired is vacant land in the 300 Block of North Hillside, owned by the Medical Arts Partnership. The site contains 5,377 square feet and has no improvements

The owners have agreed to a negotiated amount of \$ 8,000. The property is currently vacant.

Funds have been budgeted in the 2002 Capital Improvement Program for project acquisitions. The funding source is General Obligation Bonds. A budget of \$ 8,500 is requested. This includes \$ 8,000 for the acquisition and \$ 500 for closing costs and title insurance.

Motion --      Knight moved that the budget and Contract be approved; and the necessary signatures be authorized.  
-- carried      Motion carried 7 to 0.

## **PROPERTY ACQ.      WATERLINE EASEMENT FROM MAIZE UNIFIED SCHOOL DISTRICT #266. (District V)**

Agenda Report No. 03-0171

The City Council adopted a Resolution on January 25, 2000 declaring it necessary to construct, improve, extend, and enlarge the water and sewer utility owned and operated by the City. Fulfillment of this Resolution requires easements on tracts of land located on Maize Road north of 29th Street North. The easements will be used for the installation of a 20-inch water line.

The easement includes approximately 1.2 acres of temporary and permanent easements. The easements will not affect any improvements. A negotiated value of \$ 60,000 has been reached with the Maize Unified School District #266.

The budget of \$ 62,000 includes \$ 60,000 for the acquisition and \$ 2,000 for closing and title work. The acquisition will be funded by water utility funds.

Motion --      Knight moved that the budget and easements be approved; and the necessary signatures be authorized.  
-- carried      Motion carried 7 to 0.

## **ASSMNT ROLLS      PROPOSED ASSESSMENT ROLLS.**

Proposed Assessment Rolls have been prepared for forty-one (41) water projects, twenty eight (28) sewer projects and eleven (11) storm sewer projects and it is necessary to set a public hearing date. Informal hearing with City personnel will be held March 3, 2003 at 11:00 a.m.

Motion --      Knight moved that the hearing on the proposed assessment rolls be set for Tuesday, April 1, 2003,  
-- carried      9:30 a.m., or shortly thereafter, and publication of the notices be authorized. Motion carried 7 to 0.  
Motion carried 7 to 0.

## **RESOLUTIONS      NORTH BRANCH LIBRARY AND FIRE APPARATUS RESOLUTIONS:**

Agenda Report No. 03-0190

In May 2002, the Council approved the fire apparatus replacement program and the North Branch Library improvements, and bonding resolutions stating that GO Bonds would be used to fund the projects.

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The bonding resolutions approved in May referenced incorrect Kansas Statutes (Statutory authority for GO bond funding). Revised Resolutions correcting the Statute reference have been prepared.

The Law Department will approve the revised bonding resolutions as to form.

Motion -- carried

Knight moved that the Resolutions be adopted. Motion carried 7 to 0.

## RESOLUTION NO. 03-076

A Resolution amending Section 2 of Resolution No. 02-225 by changing the authorizing authorities contained therein, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## RESOLUTION NO. 03-077

A Resolution amending Resolution No. R-02-245 pertaining to improvements to fire apparatus replacement (Project Number 435347) and authorizing the issuance of Bonds by the City of Wichita at Large, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## ORDINANCES

### **SECOND READING ORDINANCES: (FIRST READ FEBRUARY 4, 2003)**

- a) Industrial Revenue Refunding Bonds – Envision, Inc. (District III)

## ORDINANCE NO. 45-553

An Ordinance authorizing the City of Wichita, Kansas to issue its Industrial Revenue Refunding Bonds, Series I, 2003 (Envision, Inc.) in the aggregate principal amount of \$3,035,000 for the purpose of providing funds to refund on a current basis certain Industrial Revenue Bonds, Series III, 1999 of the City and to pay certain costs of issuance; prescribing the form and authorizing execution of a Second Supplemental Trust Indenture between the City and Intrust Bank, N.A, Wichita, Kansas, as Trustee; prescribing the form and authorizing execution of a Second Supplemental Lease Agreement by and between the City and Envision, Inc.; approving the form of a Guaranty Agreement between Envision, Inc., as Guarantor, and Intrust Bank, N.A., Wichita, Kansas, as Trustee; prescribing the form and authorizing the execution of a Bond Purchase Agreement between the City, Envision, Inc., and Gold Capital Management, Inc., as purchaser of the Series I, 2003 Bonds, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- b) Industrial Revenue Refunding and Improvement Bonds – Typed Letters Corporation. (District V)

## ORDINANCE NO. 45-554

An Ordinance of the City of Wichita, Kansas, authorizing the issuance of \$1,540,000 aggregate principal amount of Industrial Revenue Refunding and Improvement Bonds, Series II, 2003 (Typed Letters Corporation Project) for the purpose of providing funds to (1) refund on a current basis certain Industrial Revenue Refunding Bonds, Series VII-A, 1997 (Typed Letters Corporation) of the City and (2) acquire, construct and equip an addition to an existing manufacturing facility; prescribing the form and authorizing execution of a Trust Indenture by and between the City and Central Bank and Trust Company, Hutchinson, Kansas, as Trustee; prescribing the form and authorizing the execution of a lease of the project by and between the City and S&R Properties, LLC; approving the form of a Guaranty Agreement by and among S&R Properties, LLC, Typed Letters Corporation, Randal A. Johnson and Shirley A. Johnson, as Guarantors, and Central Bank and Trust Company, Hutchinson, Kansas as Trustee; approving the form of a sublease between S&R Properties, LLC and Typed Letters Corporation; authorizing the execution of a Bond Purchase Agreement between the City, S&R Properties, LLC, and Chapman Securities, Inc., Wichita, Kansas, as purchaser of the Series II, 2003

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Bonds, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

c) ZON2002-67 – south of 27th Street South, east side of Seneca. (District IV)

## ORDINANCE NO. 45-555

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. ZON2002-00067

d) ZON2002-68 – north of Kellogg and east of Meridian. (District IV)

## ORDINANCE NO. 45-556

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. ZON2002-00068

e) A02-20 – corner of 13th Street North and 135th Street West, including that portion of Tyler Road between 29th Street North and 37th Street North. (District V)

## ORDINANCE NO. 45-557

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. A02-20

f) A03-03 – north of Maple Street West, west of 135th Street West. (District V)

## ORDINANCE NO. 45-558

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. A03-03

## PLANNING AGENDA

Dale Miller

Director of Planning stated that the Planning Agenda could be considered as consensus, unless the Council desired to withhold Items.

Motion -- carried

Knight moved that the Planning Agenda be approved as consensus Items. Motion carried 7 to 0.

**SUB2002-52**

**SUB2002-52 – PLAT OF SHADOW WOODS ADDITION – WEST SIDE OF 135TH STREET WEST, NORTH SIDE OF MAPLE. (District V)**

Agenda Report No. 03-0172

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (10-0)

This site is on the same agenda to be annexed into the City of Wichita



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Petitions, all 100%, have been submitted for sanitary sewer, water, storm water drainage and paving improvements. Certificates of Petitions have been submitted. Also, an Off-site Drainage Easement has been submitted. Restrictive Covenants were submitted to provide for the ownership and maintenance of the reserves, and a Restrictive Covenant was submitted to provide for off-street parking for lots adjacent to narrow streets requiring that four (4) off-street spaces be provided for each such lot.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificates of Petitions, Off-site Drainage Easement and Restrictive Covenants will be recorded with the Register of Deeds.

Motion --  
-- carried

Knight moved that the documents and plat be approved; the Resolutions be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

## RESOLUTION NO. 03-078

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-89791 (west of 135<sup>th</sup> Street West, north of Maple), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## RESOLUTION NO. 03-079

Resolution of findings of advisability and resolution authorizing CONSTRUCTION OF water Distribution System Number 448-89792, (west of 135<sup>th</sup> Street West, north of Maple) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## RESOLUTION NO. 03-080

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-89793 (west of 135<sup>th</sup> Street West, north of Maple), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## RESOLUTION NO. 03-081

Resolution of findings of advisability and resolution authorizing improving of Lateral 34 Cowskin Interceptor Sewer (west of 135<sup>th</sup> Street West, north of Maple) 468-83595, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## RESOLUTION NO. 03-082

Resolution of findings of advisability and resolution authorizing improving of Lateral 35, Cowskin Interceptor Sewer (west of 135<sup>th</sup> Street West, north of Maple) 468-83596, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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## RESOLUTION NO. 03-083

Resolution of findings of advisability and resolution authorizing construction of Storm Water Drain No. 200 (west of 135<sup>th</sup> Street West, north of Maple) 468-83597, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## RESOLUTION NO. 03-084

Resolution of findings of advisability and resolution authorizing construction of Storm Water Drain No. 301 (west of 135<sup>th</sup> Street West, north of Maple) 468-83598, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## RESOLUTION NO. 03-085

Resolution of findings of advisability and resolution authorizing improving City View from Maple to the southerly line of City View, on Sheriac from Maple to the north line of Lot 20, Block C, and on Decker from the east line of Sheriac to the north line of Lot 23, Block D, Sheriac Circle from the west line of City View to and including cul-de-sac, on Sheriac Court from the north line of Sheriac Circle to and including cul-de-sac, on Sheriac Circle from the westerly line of Sheriac to and including cul-de-sac, and on Decker Court from the east line of Decker to and including cul-de-sac. Sidewalk on one side of City View, Sheriac, and Decker (west of 135<sup>th</sup> Street West, north of Maple) 472-83721, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## RESOLUTION NO. 03-086

Resolution of findings of advisability and resolution authorizing improving City View, from the north line of Burton to the north line of Plat, on Burton and Burton Court, from the south line of City View, to and including cul-de-sac, on Burton from the north line of Burton Court to the north line of Cavit, on Cavit, from the north line of Lot 20, Block C, to the west line of Decker, on Decker from the north line of Lot 23, Block D, to the north line of Cavit. Sidewalk on one side of Burton, Cavit and Decker (west of 135<sup>th</sup> Street West, north of Maple) 472-83722, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## RESOLUTION NO. 03-087

Resolution of findings of advisability and resolution authorizing improving Decker and Eecker Circle from the north line of Burton to and including cul-de-sac, on Texas from the east line of Decker Circle to 135<sup>th</sup> Street West, on Texas Circle from the north line of Burton, to and including cul-de-sac. Texas Court from the north line of Texas, to and including cul-de-sac. Sidewalk on one side of Texas and Decker (west of 135<sup>th</sup> Street West, north of Maple) 472-83723, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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## RESOLUTION NO. 03-088

Resolution of findings of advisability and resolution authorizing improving left turn bay improvements 135<sup>th</sup> Street West to serve Texas (west of 135<sup>th</sup> Street West, north of Maple) 472-83724, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

SUB2002-60

### **SUB2002-60 – PLAT OF ALBERT ACRES ADDITION – EAST SIDE OF 151ST STREET WEST, SOUTH OF CENTRAL.** (District V)

Agenda Report No. 03-0173

Staff Recommendation: Approve the plat.  
MAPC Recommendation: Approve the plat. (11-0)

This site is located in the County within three miles of the City of Wichita's boundary.

Petitions, 100%, have been submitted for future sanitary sewer and water main improvements. A Notice of Petition has been submitted. An Off-site Street Dedication was submitted. Restrictive Covenants regarding required driveway specifications and Lot Bundling has also been submitted.

The Notice of Petitions, Off-site Street Dedications and Restrictive Covenants will be recorded with the Register of Deeds.

Motion --  
-- carried

Knight moved that the documents and plat be approved; the Resolutions be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

## RESOLUTION NO. 03-089

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-89794 (east of 151<sup>st</sup> Street West, south of Central) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## RESOLUTION NO. 03-090

Resolution of findings of advisability and resolution authorizing improving of Lateral 36 Cowskin Interceptor Sewer (east of 151<sup>st</sup> Street West, south of Central) 468-83600, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

SUB2002-66

### **SUB2002-66 – PLAT OF SIERRA HILLS ADDITION – EAST SIDE OF 127TH STREET EAST, NORTH OF PAWNEE.** (District II)

Agenda Report No. 03-0174

Staff Recommendation: Approve the plat.  
MAPC Recommendation: Approve the plat. (9-0)

This plat was recently annexed into the City of Wichita.

Petitions, all 100%, have been submitted for sanitary sewer and water improvements. Paving improvements will be handled by the County. Both a City and County Certificate of Petitions have been submitted. A Restrictive Covenant was submitted to provide for the ownership and maintenance

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of the reserves. Also, a Restrictive Covenant was submitted to provide for off-street parking for lots adjacent to narrow streets requiring that four (4) off-street spaces be provided for each such lot.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificates of Petitions and Restrictive Covenants will be recorded with the Register of Deeds.

Motion --  
-- carried

Knight moved that the documents and plat be approved; the Resolutions be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

## RESOLUTION NO. 03-091

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-89781 (east of 127<sup>th</sup> Street East, north of Pawnee), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## RESOLUTION NO. 03-092

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-89782 (east of 127<sup>th</sup> Street East, north of Pawnee), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## RESOLUTION NO. 03-093

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-89783 (east of 127<sup>th</sup> Street East, north of Pawnee), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## RESOLUTION NO. 03-094

Resolution of findings of advisability and resolution authorizing construction of Lateral 343, Four Mile Creek Sewer (east of 127<sup>th</sup> Street East, north of Pawnee) 468-83583, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## RESOLUTION NO. 03-095

Resolution of findings of advisability and resolution authorizing construction of Lateral 344, Four Mile Creek Sewer (east of 127<sup>th</sup> Street East, north of Pawnee) 468-83584, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## RESOLUTION NO. 03-096

Resolution of findings of advisability and resolution authorizing improving Cherry Creek: from the east line of 127<sup>th</sup> Street East to Sierra Hills; Horseback, from the north line Cherry Creek to the north line Sierra Hills Addition; Sierra hills, from Cherry Creek to the east line Lot 17, Block 2, Sierra hills/Sierra Hills Circle, from Cherry Creek to and including cul-de-sac, Sierra hills Ct., from the west line Sierra hills to and including cull-de-sac (Lots 28-35, Block 5), Triple Crown, from the east line Sierra Hills to the north line of Lot 14, Block 4, and Triple Crown Court, from the south line Triple Crown to and

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including cul-de-sac. Sidewalk on one side of all through, non cul-de-sac streets, and the loop street of Sierra hills, Triple Crown and Mt. Vernon. Horseback Street shall be paved with a temporary cul-de-sac at the north line of the Addition, (east of 127<sup>th</sup> Street East, north of Pawnee) 472-83703, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## RESOLUTION NO. 03-097

Resolution of findings of advisability and resolution authorizing improving Mt. Vernon/Triple Crown, from the east line Lot 17, Block 2 to the north line of Sierra Hills Addition; Triple Crown, from the north line Lot 14, Block 4 to the south line of Mt. Vernon; Mt. Vernon, from the east line Triple Crown to the east line Sierra hills Addition. Mt. Vernon Ct., from the south line Mt. Vernon to and including cul-de-sac (Lots 65-73, Block 5); Cherry Creek Ct., from the north line Cherry Creek to and including cul-de-sac (Lots 4-10, block 1; Cherry Creek Ct., from the north line Cherry Creek to and including cul-de-sac (Lots 11-17 Block 1; Cherry Creek Ct., from the south line Cherry Creek to and including cul-de-sac (Lots 2-10, Block 5). Sidewalks on one side of all through, non cul-de-sac streets, and the loop street of Sierra Hills, Triple Crown and Mt. Vernon, (east of 127<sup>th</sup> Street East, north of Pawnee) 472-83704, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

**DED2003-01**  
**ZON 2002-00059**

## **DED2003-01 – DEDICATION OF STREET RIGHT-OF-WAY – SOUTHWEST CORNER OF MACARTHUR AND HOOVER ROAD. (District IV)**

Agenda Report No. 03-0175

MAPC Recommendation: Accept the Dedication.

As a requirement of zoning case no. 2002-59 (approved by City Council on December 10, 2002), this Dedication is being submitted for additional street-right-of-way along Hoover

The dedication has been reviewed and approved by the Planning Commission.

There are no financial Considerations.

The Dedication has been recorded with the Register of Deeds.

Motion --  
-- carried

Knight moved that the Dedication be approved and the ZON 2002-00059 Ordinance be placed on first reading. Motion carried 7 to 0.

## ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, presented. ZON 2002-00059.

**DED2003-02**

## **DED2003-02 – DEDICATION OF ACCESS CONTROL ON THE NORTHWEST CORNER OF 21ST STREET NORTH AND GROVE. (District I)**

Agenda Report No. 03-0176

MAPC Recommendation: Accept the Dedication.

This Dedication is a requirement of Lot Split No. SUB 2002-114 and is being submitted for the dedication of complete access control along 21st Street North.

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The Dedication has been reviewed and approved by the Planning Commission.

There are no financial Considerations.

The Dedication will be recorded with the Register of Deeds.

Motion --carried

Knight moved that the Dedication be accepted. Motion carried 7 to 0.

## **DED2003-03**

### **DED2003-03 – DEDICATION OF STREET RIGHT-OF-WAY ON THE NORTHWEST CORNER OF 21ST STREET NORTH AND GROVE. (District I)**

Agenda Report No. 03-0177

MAPC Recommendation: Accept the Dedication.

This Dedication is a requirement of Lot Split No. SUB 2002-114 and is being submitted for the dedication of additional street right-of-way along 21st Street North.

The Dedication has been reviewed and approved by the Planning Commission.

There are no financial Considerations.

The Dedication will be recorded with the Register of Deeds.

Motion --carried

Knight moved that the Dedication be accepted. Motion carried 7 to 0.

## **DED2003-04**

### **DED2003-04 - DEDICATIONS OF ACCESS CONTROL FOR PROPERTY ON THE NORTH SIDE OF 21ST STREET NORTH, EAST OF TYLER ROAD. (District V)**

Agenda Report No. 03-0178A

MAPC Recommendation: Accept the Dedication.

This Dedication is a requirement of Lot Split No. SUB 2002-108 and is being submitted for the dedication of access control, except for two openings, along 21st Street North.

The Dedication has been reviewed and approved by the Planning Commission.

There are no financial Considerations.

The Dedication will be recorded with the Register of Deeds.

Motion --carried

Knight moved that the Dedication be accepted. Motion carried 7 to 0.

## **DED2003-05**

### **DED 2003-05 -- DEDICATION OF ACCESS CONTROL FOR PROPERTY LOCATED NORTH SIDE OF 21ST STREET NORTH AND EAST OF TYLER ROAD. (DISTRICT V)**

Agenda Report No 03-0178B

This Dedication is a requirement of Lot Split No. SUB 2002-108 and is being submitted for the dedication of access control, except for one opening, along 21st Street North.

The Dedication has been reviewed and approved by the Planning Commission.

There are no financial Considerations.

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The Dedication will be recorded with the Register of Deeds.

Motion --carried

Knight moved that the Dedication be accepted. Motion carried 7 to 0.

**DED2003-05**

**DED2003-06 – DEDICATION OF UTILITY EASEMENT FOR PROPERTY EAST OF HYDRAULIC, NORTH OF 47TH STREET SOUTH. (District III)**

Agenda Report No. 03-0179

MAPC Recommendation: Accept the Dedication.

This Dedication is a requirement of Lot Split No. SUB 2002-102 and is being submitted for the dedication of an easement for construction and maintenance of public utilities.

The Dedication has been reviewed and approved by the Planning Commission.

There are no financial Considerations.

The Dedication will be recorded with the Register of Deeds.

Motion --carried

Knight moved that the Dedication be accepted. Motion carried 7 to 0.

**A03-01**

**A03-01 – ANNEX LAND SOUTH OF K-96, NORTH OF 37TH STREET NORTH, EAST OF NORTH TYLER ROAD. (District V)**

Agenda Report No. 03-0180

The City has received a request to annex 155.6 acres of land generally situated south of K-96, north of 37th Street North and east of N. Tyler Road. The site abuts the City of Wichita directly to the east. The property owner plans to initially develop the area north of the active railway as the Avalon Park Addition, containing 112 residential units. Total build-out of the annexation area is anticipated at 209 residential units over four years.

Land Use and Zoning: The annexation area is presently in agricultural use and zoned "SF-20" Single Family Residential. An active railway line runs through the property in a northwest-southeast orientation. Lands surrounding the proposed annexation site to the north, south, east and west are in agricultural production and zoned "SF-20" Single Family Residential. There is an area of land located immediately to the east that is zoned "SF-5" Single Family Residential. The "SF-20" Single Family Residential zoning of the annexation area will convert to "SF-5" Single Family Residential upon annexation.

Public Services: As part of the platting requirements, the property owner shall guarantee the extension of sanitary sewer and City water to serve the lots being platted. Water and sanitary sewer main service is available from 37th Street North.

Street System: The property requested for annexation has access to N. Tyler Road (two-lane asphalt surface road) that serves the area as the nearest north-south arterial road, and 37th Street North (two-lane unpaved road) that serves the area as the nearest east-west arterial road. As a condition of platting, the developer will be required to construct left turn lanes on 37th Street North, and guarantee paved access of 37th Street North between the nearest paved road segment (Tyler Road) and the entrance to the subdivision. The 2002-2011 City of Wichita Capital Improvement Program has not identified any future improvements to Tyler Road. However, the City of Wichita has recently annexed that portion of Tyler Road from 29th Street North to 37th Street North in order to fulfill a commitment to USD 266 to construct turning lanes to accommodate the new school site west of Tyler Road. The Sedgwick County 2002-2006 C.I.P. has not identified any future improvements to 37th Street North.

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Public Safety: Fire services to this site can be currently provided within an eight (8) to nine (9) minute approximate response time from City Station #16 located at 1632 N. Tyler Road. Upon annexation, police protection will be provided to the area by the Patrol West Bureau of the Wichita Police Department, headquartered at 661 North Elder.

Parks: Barrington Park and Sedgwick County Park are located approximately two miles and three miles south of the annexation area respectively.

School District: The annexation property is located in Unified School District 266 (Maize School District). Annexation will not change the school district.

Comprehensive Plan: The proposed annexation is consistent with current amendments to the Wichita-Sedgwick County Comprehensive Plan.

The current approximate appraised value of the proposed annexation area is \$18,100, with a total assessed value of \$5,430. Using the current City levy (\$31.406/\$1000 x assessed valuation), this roughly yields \$181 in City annual tax revenues for the property. The future assessed value of this property will depend on the type and timing of development and the current mill levy. However, the property owner projects an overall appraised value of \$40,755,000 for residential use when development is completed, resulting in an assessed value of \$4,686,825. Assuming the current City levy remains about the same, this would roughly yield \$147,194 in City annual tax revenues.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion --  
-- carried

Knight moved that the annexation be approved and the Ordinance be placed on first reading. Motion carried 7 to 0.

## ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. A03-01

A03-02

### **A03-02 – ANNEX LAND SOUTH OF 37TH STREET NORTH, EAST OF NORTH TYLER ROAD. (District V)**

Agenda Report No. 03-0181

The City has received a request to annex approximately 96.12 acres of land situated at the southeast corner of 37th Street North and N. Tyler Road. The site abuts the City of Wichita directly to the west and south. The property owner plans to develop the site with a total of 217 residential units, a 75,000 sq. ft. religious assembly facility and 65,000 sq. ft. of office/commercial space, built out over a period of three to ten years. No specific platting or development plans have been submitted at this time.

Land Use and Zoning: The annexation area is presently in agricultural use and zoned “SF-20” Single Family Residential. Land immediately to the south has been recently annexed and platted for future residential development, and is zoned “SF-5” Single Family Residential. An active railway line borders the property along its northeastern perimeter. Lands to the west are also zoned “SF-5” Single Family Residential and are currently under development as the new school site for USD 266. Lands to the north and east are currently in agricultural production and are zoned “SF-20 Single Family Residential. The “SF-20” Single Family Residential zoning of the subject property will convert to “SF-5” Single Family Residential upon annexation.

Public Services: As part of the platting requirements, the property owner shall guarantee the extension of sanitary sewer and City water to serve the lots being platted. City water and sanitary sewer mains are available to service this area.



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Street System: The property requested for annexation has access to 37th Street North (two-lane unpaved road) that serves the area as the nearest east-west arterial, and N. Tyler Road (two-lane asphalt surface road) that serves the area as the nearest north-south road. The 2002-2011 City of Wichita Capital Improvement Program has not identified any future improvements to N. Tyler Road. However, the City has made a commitment to USD 266 to constructing turning lanes from Tyler Road into the school site. The Sedgwick County 2002-2006 C.I.P. has not identified any future improvements to 37th Street North.

Public Safety: Fire services to this site can be provided within an eight (8) to nine (9) minute approximate response time from City Station #16 located at 1632 North Tyler. Upon annexation, police protection will be provided to the area by the Patrol West Bureau of the Wichita Police Department, headquartered at 661 North Elder.

Parks: Barrington Park and Sedgwick County Park are located approximately two miles and three miles south of the annexation area respectively.

School District: The annexation property is located in Unified School District 266 (Maize School District). Annexation will not change the school district.

Comprehensive Plan: The proposed annexation is consistent with current amendments to the Wichita-Sedgwick County Comprehensive Plan.

The current approximate appraised value of the proposed annexation area is \$48,349, with a total assessed value of \$13,812. Using the current City levy (\$31.406/\$1000 x assessed valuation), this roughly yields \$434 in City annual tax revenues for the property. The future assessed value of this property will depend on the type and timing of development and the current mill levy. However, the property owner projects an overall appraised value of \$19,096,000 for residential use, \$6,000,000 for religious use (tax exempt) and \$6,500,000 for office/commercial uses when development is completed. Assuming the current City levy remains about the same, this development mix would roughly yield \$120,004 in City annual tax revenues.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion --  
-- carried

Knight moved that the annexation be approved and the Ordinance be placed on first reading. Motion carried 7 to 0.

## ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. A03-02

A03-04

### **A03-04 – ANNEX LAND WEST OF SOUTH MAIZE ROAD, NORTH OF STATE HIGHWAY K-42. (District IV)**

Agenda Report no. 03-0182

The City has received a request to annex approximately 71 acres of land situated near the northwest corner of S. Maize Road and K-42. The site abuts the City of Wichita directly to the east. The unincorporated residential community of Schulte lies just south and west of the annexation area. The property owner plans to develop the site with a total of 158 residential units platted as Harvest Ridge Addition, with approximately 130,000 sq. ft. dedicated for office/commercial building space, and 535,000 sq. ft. planned for outdoor commercial space. Total build-out of the residential component will occur over the next four years, while the office/commercial development is estimated to occur over a ten-year period.

Land Use and Zoning: The annexation area is presently in agricultural use and zoned “SF-20” Single Family Residential, except for an easterly extension of land adjacent to Maize Road which is zoned

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“LI” Limited Industrial. Lands immediately to the west, north and south of the annexation area are also in agricultural use and are zoned “SF-20” Single Family Residential. Land immediately southeast and adjacent to the intersection of Maize Road and K-42 is zoned “LI” Limited Industrial, but is in agricultural use and is also the site of Dooley’s Restaurant. Land due east of the annexation property is the site of a transport trucking terminal/warehouse facility, and is zoned “LI” Limited Industrial. A small portion of the annexation area directly fronts Highway K-42 and Maize Road. The “SF-20” Single Family Residential zoning of the subject property will convert to “SF-5” Single Family Residential upon annexation, with the exception of the frontage area adjacent to Maize Road, which is requested for “GC” General Commercial zoning

Public Services: As part of the platting requirements, the property owner shall guarantee the extension of sanitary sewer and water to serve the lots being platted. City water and sanitary sewer mains are available to service this area.

Street System: The property requested for annexation has access to S. Maize Road (two-lane paved road) that serves the area as the nearest north-south arterial, and State Highway K-42 (four-lane asphalt surface road) that serves the area as the nearest east-west freeway/arterial. The 2002-2011 City of Wichita Capital Improvement Program has not identified any future improvements to S. Maize Road.

Public Safety: Fire services to this site can be provided within a nine (9) to ten (10) minute approximate response time from City Station #17 located at 10651 West Maple. Upon annexation, police protection will be provided to the area by the Patrol West Bureau of the Wichita Police Department, headquartered at 661 North Elder.

Parks: Pawnee Prairie Park is located approximately two miles northeast of the annexation area.

School District: The annexation property is located in Unified School District 265 (Goddard School District). Annexation will not change the school district.

Comprehensive Plan: The proposed annexation is consistent with current amendments to the Wichita-Sedgewick County Comprehensive Plan.

The current approximate appraised value of the proposed annexation area is \$17,040, with a total assessed value of \$5,021. Using the current City levy (\$31.406/\$1000 x assessed valuation), this roughly yields \$157 in City annual tax revenues for the property. The future assessed value of this property will depend on the type and timing of development and the current mill levy. However, the property owner projects an overall appraised value of \$13,904,000 for residential use and \$19,650,000 for office/commercial uses when development is completed. Assuming the current City levy remains about the same, this development mix would roughly yield \$204,499 in City annual tax revenues.

The property is eligible for annexation under K.S.A. 12-519, et seq.cmc

Motion --  
-- carried

Knight moved that the annexation be approved and the Ordinance be placed on first reading. Motion carried 7 to 0.

## ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. A03-04

A03-05

### **A03-05 – ANNEX THE KANSAS AVIATION MUSEUM SITE AT 3350 GEORGE WASHINGTON BOULEVARD. (District III)**

Agenda Report No. 03-0183

In order to qualify for certain federal funding options for proposed redevelopment plans at the Kansas Aviation Museum, the City is working in partnership with the Museum Director to annex the Kansas

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Aviation Museum. The museum is located at 3350 George Washington Boulevard south of 31st Street South and east of S. Oliver Street next to the McConnell Air Force Base. Ownership of the Museum site and property was transferred to the City by quitclaim deed from the federal government in November 1991. The Museum is not located within the Boeing Industrial District.

Land Use and Zoning: The annexation property contains the museum facility and the access road that extends south from 31st Street South. The property is currently zoned "SF-20" Single Family Residential. Lands north of the Museum site have a variety of "SF-20" Single Family, "TF-3" Two Family and "GC" General Commercial zoning designations, reflecting the mixed residential and commercial nature of existing development. Lands to the west and southwest are zoned "LI" Limited industrial, reflecting the aircraft manufacturing operations at the Boeing plant site. Lands to the southeast and east are zoned "SF-20" Single Family Residential, and comprise the McConnell Air Force Base. The "SF-20" Single Family zoning of the annexation property will convert to "SF-5" Single Family upon annexation.

Public Services: The Museum site is currently serviced with city water and sanitary sewer through the McConnell Air Force Base.

Street System: The property requested for annexation has direct access, via a two-lane asphalt surfaced road, to 31st Street South (two-lane asphalt surfaced road) that serves the area as the nearest east-west arterial. S. Oliver Street (four-lane asphalt surfaced road) serves the area as the nearest north-south arterial.

Public Safety: Fire services to this site can be provided within a five (5) to six (6) minute approximate response time from City Station #11 located at 1845 George Washington Boulevard. Upon annexation, police protection will be provided to the area by the Patrol South Bureau of the Wichita Police Department, headquartered at 211 E. Pawnee.

Parks: Planeview Park and Cessna Park are located within one mile of the proposed annexation site.

School District: The annexation property is located in Unified School District 260 (Derby School District). Annexation will not change the school district.

The proposed annexation is consistent with current amendments to the Wichita-Sedgwick County Comprehensive Plan.

The property proposed for annexation has not been platted. Since the City owns the Museum property, the property is tax exempt and no tax revenues will be generated.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion --  
-- carried

Knight moved that the annexation be approved and the Ordinance be placed on first reading. Motion carried 7 to 0.

## ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. A03-05

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## HOUSING AGENDA

NOTICE: The City Council is meeting as the governing body of the Housing Authority for consideration and action on items on this Agenda, pursuant to State law, HUD, and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

Inafay Grays-McClellan, Housing Member is also seated with the City Council.

## HOUSING

### PUBLIC HOUSING CAPITAL IMPROVEMENTS REPORT.

Agenda Report No. 03-0184

The City of Wichita Housing Authority (WHA) Capital Fund Program will make all necessary capital improvements and corrections of deficiencies in the WHA rental inventory to ensure the long term physical and social viability of WHA developments. The Program is also used to upgrade the management operations of the WHA to assure the ability of staff to serve the housing needs of low to moderate income families. This report covers the current status of all Capital Fund improvement projects.

The 2001 and 2002 Capital Fund grants are in the amounts of \$1,216,704 and \$1,159,577 respectively. Congress has not made necessary appropriations for the 2003 Grant at this time of this report. The 2001 Capital Fund Grant is now obligated. Attached is the summary of the capital improvement projects scheduled for the 2001 through 2005 Capital Fund grant years. The 2003 through 2005 budgeted amounts are estimated on the basis of the 2002 grant amount.

There are no legal considerations.

Motion --carried

Knight moved that the report be received and filed. Motion carried 8 to 0.

## HOUSING

### SECTION 8 STATISTICAL MONTHLY REPORT.

Agenda Report No. No. 03-0185

The Section 8 Housing Assistance program allows Housing Authorities to assist as many families as can be assisted with the funds allocated. The Wichita Housing Authority has been approved to administer 2500 allocations.

#### ANALYSIS: DECEMBER 2002

<u>Program</u>	<u>Number</u> <u>Allocated</u>	<u>Number</u> <u>Committed</u>	<u>Over (Under)</u> <u>Committed</u>	<u>Annual</u> <u>Lease-Up</u>	<u>Annual</u> <u>Rate</u>
Voucher	2321	2360	39	2226	95.9%
SPC	102	119	17		
Mod Rehab	58	36	(22)		
Portable 20	20	0			
TOTAL	2500	2535	34		

Due to many variables such as voucher and certificate holders finding and leasing a property that does not require the maximum subsidy, we are able to assist additional units and remain within budget.

Motion --carried

Knight moved that the report be received and filed. Motion carried 8 to 0.

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## HOUSING

### REPORT OF PUBLIC HOUSING OCCUPANCY.

Agenda Report No. 03-0186

This update provides the current status of all Public Housing Units under make ready status, Capital Fund Program and vacant units ready to be leased.

As of February 2, 2003, 20 units are in make ready status, 2 units are in the Capital Fund Program and 7 units are waiting to be leased. The total of 29 vacancies represents an occupancy rate of 95%. Property Managers leased 8 units during the month of January.

There are no financial considerations.

Motion --carried

Knight moved that the report be received and filed. Motion carried 8 to 0.

## HUD

### 2003 HUD BUDGET AND OPERATING FUND FORMULA.

Agenda Report No. 03-0187

The Wichita Housing Authority (WHA) and the Department of HUD have a mutual responsibility for the financial stability of the low-income housing program. The annual budgetary process is the principal focal point of cooperative effort to plan the exchange of information and reconciliation of judgment. The purpose of the budget, as a financial summary and analysis of immediate and long-range operating programs and plans is to provide the WHA with an effective instrument to control operations and achieve operating objectives in a balanced and businesslike manner.

Pursuant to Section 9(a) of the U.S. Housing Act of 1937 and updates, the Department of HUD implemented the Operating Fund Formula (OFF) for determining the amount of operating subsidy to be paid to most Public Housing Authorities (PHA). The OFF serves two primary purposes. First, it is used to determine each PHA's share of the total operating subsidy funds appropriated by Congress each fiscal year. Second, it provides a reliable means of estimating the annual aggregate operating subsidy eligibility of PHAs, which serves as the basis for requesting annual appropriations from Congress.

The total budgeted routine expense (line 550) of the Operating Budget is \$2,782,398. This represents a 6.7% increase over the 2002 budgeted amount. This is primarily a result of increased health costs; increases in building and casualty insurance premiums; absorbing the salary and benefits for the Director of Housing; and increased Administrative charges by the City of Wichita.

The OFF operating subsidy approvable for 2003 (Part F, 09) is \$1,570,526. This represents a 24.3% increase over the 2002 approved subsidy. In 2002, HUD modified the 2002 subsidy request from \$1,266,925 to \$1,263,682, which represented a decrease of 0.3%. It is likely that HUD will modify this year's request. Revenues for 2003 includes operating subsidy, rent receipts, and other operating receipts. Deficits caused by increased utility allowances and subsequent reductions in rents received will be offset by budgeted operating reserves.

The submission of the 2003 Operating Budget and Operating Fund Calculation of Operating Subsidy are the essential components, which enable the WHA to receive the funding necessary for the operation of the Public Housing Program. There is no impact upon the City's Non-Federal Budgets.

Motion --  
-- carried

Knight moved that Resolution relative to the submission of the 2003 HUD Operating Budget and Operating Fund Calculation Operating Subsidy be adopted. Motion carried 7 to 0.

### RESOLUTION NO. H-03-02

A Resolution relative to the submission of the 2003 HUD Operating Budget and Operating Fund Calculation of Operating Subsidy. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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## SECTION 8

### SECTION 8 MANAGEMENT ASSESSMENT PROGRAM (SEMAP).

Agenda Report No.03-0188

On October 6, 1998 HUD issued final rules for the Section 8 Rental Voucher and Certificate Programs, Section 8 Management Assessment Program (SEMAP). SEMAP is a Management Assessment System that HUD will use to measure annually the performance of all Housing Agencies that administer the Section 8 Tenant Based Rental Assistance Programs. Under the SEMAP, HUD will assess Housing Authorities performance on 14 Key Indicators that show how well eligible families are helped to afford decent rental units at a reasonable subsidy cost.

The Housing Authority must certify as to their program performance under these 14 standards 60 days after the Housing Authority's first fiscal year ends. The Wichita Housing Authority's fiscal year ends December 31, 2002, so the first certification will be due March 1, 2003.

The indicators are:

1. Selection from the Waiting List (15 points): The HA has a written policy for selecting applicants and follows these policies when selecting applicants from the waiting list.
2. Reasonable Rent (20 points): The HA has implemented written methods to determine reasonable rents.
3. Determination of Adjusted Income (20 points): The HA correctly determines adjusted annual income.
4. Utility Allowance Schedule (5 points): The HA maintains up to date utility allowance schedules.
5. HQS Quality Control Inspections (5 points): An HA supervisor re-inspects a sample of units for Quality Control.
6. HQS Enforcement (10 points): HQS inspection deficiencies are corrected in a timely manner.
7. Expanding Housing Opportunities (5 points): The HA has adopted and implemented a written policy to encourage participation in areas outside poverty or minority concentrations.
8. FMR limit and Payment Standards (5 points): Gross rents for 98% of new units leased is applicable and reasonable.
9. Annual Reexaminations (10 points): The HA completes an annual reexamination for each tenant.
10. Correct Tenant Rent Calculations (5 points): The HA correctly calculates tenant rents.
11. Pre-Contract HQS Inspections (5 points): Newly leased units pass HQS before the beginning date of lease.
12. Annual HQS Inspections (No points at this time): Each unit is inspected annually and on time.
13. Lease up (20 points): The HA enters Hap contracts for the number of units under budget for at least one year. The standard is 98%.
14. Family Self-Sufficiency Enrollment and Escrow Accounts (10 points): Measures the percentage of required families enrolled in FSS program and the percentage which have escrow accounts. The standards are 80% and 30%, respectively.

The total of points which may be awarded is 135. Five bonus points are available to HAs that achieve certain deconcentration goals during the year. A housing authority with a SEMAP score of at least 90% shall be rated a High Performer. Housing Authorities with a SEMAP score of 60-80% shall be rated Standard. Housing Authorities with scores of less than 60% shall be rated "troubled" and shall be subject to a HUD onsite review and development of a corrective action plan.

Housing authorities with a "high performer" rating may be given competitive advantage under notices of fund availability.

Motion --  
-- carried

Knight moved that the Certification relative to submission of the 2002 Section 8 Management Assessment Program (SEMAP) be approved. Motion carried 8 to 0.

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## HOUSING ASSMNT. 2002 PUBLIC HOUSING ASSESSMENT SYSTEM.

Agenda Report No. 03-0189

Review and adopt the resolution; and approve the submission of the 2002 Public Housing Assessment System Certification to the Department of HUD.

On January 11, 2000, HUD published 24 CFR Part 902 in the Federal Register requiring housing authorities to submit The Public Housing Assessment System (PHAS) Certification. The evaluation system designates public housing authorities as High Performers, Standard Performers or Troubled Performers. Housing authorities that score 90 or higher on a 100-point scale will be judged to be High Performers and will be given more operating flexibility. Housing authorities that score above 60 and below 90 will be judged to be Standard Performers.

Housing authorities scoring below 60 will be judged to be Troubled Performers under PHAS and will receive help from HUD's Troubled Agency Recovery Center to improve their performance and meet HUD's new standards. If a troubled housing authority fails to significantly improve its performance a year after it is referred to the Recovery Center, HUD's Enforcement Center can ask a federal judge to create a receivership to take over management of the authority and remove its board members from office. HUD can also seek civil and criminal sanctions against housing authorities in the most serious cases.

The key elements of the 2002 PHAS Certification are the following:

Physical Inspections – 30% of score – HUD conducts the physical inspection of all public housing developments. Evaluations are based on objective, verifiable and uniform national standards designed to determine if public housing residents receive decent, safe and sanitary housing.

30% of score – HUD will evaluate the financial condition of the WHA, using generally accepted accounting principles. The Wichita Housing Authority (WHA) accountants will electronically submit standardized financial information to HUD prior to March 1, 2003.

Management Review – 30% of score – HUD measures 19 management indicators. These indicators include unit turnaround time, Capital Fund expenditures, completion time of maintenance work orders, annual inspections lease enforcement and resident self-sufficiency.

Resident Satisfaction and Services Assessment – 10% of score – HUD will survey public housing residents about their satisfaction with the developments in which they reside. Residents are asked their opinion of the quality of their dwelling units, resident organizations, program activities, safety and other issues.

The overall PHAS score is calculated based upon all indicators and graded by HUD's computer. Modernization and work orders should be scored high as they have been in the past. The vacancy turnaround time was reduced slightly in 2002 compared to the 2001 total. The Public Housing Division made ready and leased 141 units in 2002 compared to 98 units in 2001. The final results of the Financial Assessment and Resident Assessment will not be known until the overall PHAS scores are released. The Physical Condition score will be the same as 2001, as public housing dwellings are only inspected by HUD contractors every other year when the previous year's score is 24 or above. The final PHAS score results for 2001 were:

Physical Condition	26 of 30
Financial Condition	24 of 30
Management	26 of 30
Resident Satisfaction	<u>9 of 10</u>
Total	85 of 100

The Housing Advisory Board reviewed and recommended the submission of the 2002 PHAS Certification on January 21, 2003.

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There are no financial considerations.

Motion --  
-- carried

Knight moved that the submission of Certification be approved; the necessary signatures be authorized; and the Resolution be adopted. Motion carried 8 to 0.

## RESOLUTION NO. H-03-01

A Resolution. Certifying FY2002 PHAS, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

ADJOURNMENT

The City Council meeting adjourned at 9:59 a.m.

Patsy Ellis  
Deputy City Clerk